

The Fair Labor Standards Act statute of limitations for any putative collective action members who opt in to this action shall be tolled from 12:00:01 a.m. on July 23, 2008 through the earlier of midnight on the date defendant files its response to plaintiffs' Complaint or August 5, 2008 whichever is earlier, *provided however*, that nothing in this Stipulation shall be deemed a waiver by Defendants of any argument that they may have, except to the extent that Defendants have agreed to toll the statute of limitations as described in this Stipulation.

Defendants waive any objection based on lack of or defective service of process and will accept service by their designated attorneys.

Dated: July 23, 2008
New York, New York

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SO ORDERED: 

The Honorable Coleen McMahon

This 25 day of July, 2008.